UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,605	02/03/2004	Rodric C. Fan	2502295-991100	3431

32605 7590 09/24/2007		EXAMINER
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ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="3">Office Action Summary</td><td>Application No.

10/771,605</td><td>Applicant(s)

FAN ET AL.</td><td></td></tr>
<tr><td>Examiner

Eugene Yun</td><td>Art Unit

2618</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 June 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33,35 and 36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33,35 and 36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 June 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-33, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated

by Lazaridis et al. (US 6,219,694).

Referring to Claim 1, Lazaridis teaches a communication system comprising:

A mobile unit having a processor, a memory, and a wireless modem for

automatically generating a status report periodically, wherein the status report is

formatted for transmission according to an electronic mail protocol (see col. 13, lines 6-

19); and

A user interface unit receiving the status report and displaying the status report

according to a predefined report format, wherein the user interface unit is geographically

remote to the mobile unit (see col. 6, lines 7-20).

Referring to Claim 2, Lazaridis also teaches the status report transmitted from

the mobile unit to the user interface unit according to one of SMTP, POP, IMAP, MIME,

RFC-822, and IM protocols (see col. 10, lines 53-57).

Referring to Claim 3, Lazaridis also teaches a detection component coupled to

the processor, wherein the detection component comprises a sensor for measuring a

physical parameter (see col. 2, lines 61-65).

Referring to Claim 4, Lazaridis also teaches a means for determining a position of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 5, Lazaridis also teaches a receiver for receiving positioning data from satellites, allowing the processor to use the positioning data for determining a position of the mobile unit (see col. 6, lines 2-6).

Referring to Claim 6, Lazaridis also teaches the memory storing the status report for a predefined length of time after the status report is transmitted to the user interface unit (see col. 3, lines 7-14).

Referring to Claim 7, Lazaridis also teaches a plurality of mobile units including the mobile unit, wherein the user interface unit is connected to a backend processing unit for combining status reports generated by the plurality of mobile units (see col. 3, lines 36-46).

Referring to Claim 8, Lazaridis also teaches an input device for receiving information from a user and an output device for presenting information to a user (see col. 8, lines 11-25).

Referring to Claim 9, Lazaridis also teaches the report format changeable through the user interface unit (see col. 8, lines 11-25).

Referring to Claim 10, Lazaridis also teaches reconfiguring the status report according to a command received from the user interface unit (see col. 6, lines 7-20).

Referring to Claim 11, Lazaridis also teaches a database for manually entering peripheral data, wherein the peripheral data is used for compliance with the report format (see col. 8, lines 32-40).

Referring to Claim 12, Lazaridis also teaches the peripheral data comprising at least one of landmarks, maps, speed limits, and traffic light positions for the mobile unit to use as a positional reference in the status report, wherein the positional references indicates a position of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 13, Lazaridis also teaches adding landmarks to the database for use in the status report (see col. 8, lines 52-55).

Referring to Claim 14, Lazaridis also teaches transmitting one or more landmarks to the mobile unit for use as a positional reference in the status report (see col. 8, lines 52-55).

Referring to Claim 15, Lazaridis also teaches a mobile communication device comprising:

A detection component for measuring a physical parameter (see col. 2, lines 61-65).

A processor connected to the detection component, wherein the processor is for generating a status report incorporating the physical parameter (see col. 13, lines 6-19);

A memory connected to the processor, wherein the memory is for storing the status report (see col. 3, lines 7-14); and

A wireless modem connected to the processor, wherein the wireless modem is for transmitting the status report according to a predetermined electronic mail protocol once the physical parameter fulfills a condition (see col. 6, lines 7-20).

Referring to Claim 16, Lazaridis also teaches the electronic mail protocol as one of SMTP, POP, IMAP, MIME, RFC-822, and IM protocols (see col. 10, lines 53-57).

Referring to Claim 17, Lazaridis also teaches a means for determining a position of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 18, Lazaridis also teaches a database for storing landmarks, maps, speed limits, and traffic light positions for the mobile unit to use as a positional reference in the location of the mobile unit (see col. 8, lines 52-55).

Referring to Claim 19, Lazaridis also teaches the condition as one of:

A passage of a predetermined amount of time since a previous transmission, a predetermined relationship between the physical parameter and a reference value, a minimum distance traveled since a previous transmission, and a command from an external source to transmit the status report (see col. 6, lines 7-20).

Referring to Claim 20, Lazaridis teaches a method of communication comprising:

Obtaining data (see col. 7, lines 1-4);

Preparing a status report incorporating the data (see col. 13, lines 6-19); and

Transmitting the status report using one of SMTP, POP, IMAP, MIME, RFC-822, and IM protocols (see col. 10, lines 53-57) if the data satisfies a predefined condition, without receiving an external command to transmit (see col. 6, lines 7-20).

Referring to Claim 21, Lazaridis teaches determining whether the data fulfills a predefined condition by comparing the data against a reference value (see col. 7, lines 36-45).

Referring to Claim 22, Lazaridis also teaches the data as at least one of position information, calculated information, physical parameters, and environmental parameters (see col. 6, lines 60-65).

Referring to Claim 23, Lazaridis also teaches time-stamping the status report (see col. 3, lines 20-24).

Referring to Claim 24, Lazaridis also teaches storing the status report for a predetermined period of time (see col. 8, lines 52-55).

Referring to Claim 25, Lazaridis also teaches counting a length of distance traveled or time passed since a previous transmission to determined if the data satisfies the predefined condition (see col. 3, lines 20-24).

Referring to Claim 26, Lazaridis also teaches reconfiguring the status report in response to a command, wherein the command is received in an e-mail format (see col. 4, lines 62-66).

Referring to Claim 27, Lazaridis also teaches comparing the data against an emergency condition and transmitting an alert signal if the data satisfies the emergency condition (see col. 1, line 66 to col. 2, line 4).

Referring to Claim 28, Lazaridis also teaches receiving an enabling command for adding new data to a database, and adding new data to the database before receiving a disabling command for disabling addition of new data to the database (see col. 8, lines 32-40).

Referring to Claim 29, Lazaridis also teaches preparing the status report in a human-readable format such that no format conversion is necessary before the status report is presented to a viewer (see col. 6, lines 7-20).

Referring to Claim 30, Lazaridis also teaches the human-readable format is one of HTML and text format (see col. 6, lines 7-20).

Referring to Claim 31, Lazaridis also teaches preparing the status report in a standard application format (see col. 6, lines 7-20).

Referring to Claim 32, Lazaridis also teaches encrypting the status report prior to transmission (see col. 6, lines 52-65).

Referring to Claim 33, Lazaridis also teaches receiving a message in one of SMTP, POP, IMAP, MIME, RFC-822, and Instant Messaging (IM) protocols; and authenticating the received message (see col. 10, lines 53-57).

Referring to Claim 35, Lazaridis teaches a mobile device for communication via a wireless network, comprising:

means for obtaining physical data and positioning data (see col. 6, line 60 to col. 7, line 4);

means for preparing a status report using the physical data and the positioning data (see col. 13, lines 6-19); and

means for transmitting the status report in an electronic mail format without receiving an external command (see col. 6, lines 7-20).

Claim 36 has similar limitations as claim 35.

Response to Arguments

3.   Applicant's arguments filed 6/29/2007 have been fully considered but they are not persuasive.

Regarding Claim 1, although the examiner understands the applicant's arguments and the aspects of the invention, the examiner believes that the independent

claims, as currently worded, are still read on by the Lazaridis reference. Firstly, there are no specifics as to what kind of status is shown in the status report. Therefore, the definition is left open to mean any kind of status, including an email message which can include a status report in the text, which the Lazaridis reference teaches. The examiner believes that more detail is needed in the definition of status report.

Push pages, which is taught by the Lazaridis reference, are known in the art to be automated. In addition, col. 2, lines 14-17 of the Lazaridis reference states that the system is automated. Finally, in the Lazaridis reference, nothing happens before the message from the mobile device is redirected to the desktop system. Therefore, the message is transmitted automatically.

The same applies to claim 20.

Regarding claim 15, the claim does not state that the detection component detecting speed, door status, air bag status, etc. Therefore, the physical parameter, can include any parameter, including the parameters of the triggering events as stated in the Lazaridis reference.

Regarding claims 35 and 36, once again, the claims do not state the physical data including speed, door status, air bag status, etc. Therefore, the physical data can include the data shown in col. 6, lines 60-65, which also includes the positioning data.

The examiner believes that more detail needs to be in the claims defining "status report" and "physical data" and for the above reasons, the examiner stands by his rejection.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eugene Yun whose telephone number is (571) 272-

7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eugene Yun
Examiner
Art Unit 2618

EY

MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER